REMARKS

Applicants amended claims 1, 8, 10, 15, 25, 27, and 33, and cancelled claims 2, 16, 28, and 34. Claims 1, 3-15, 17-27, 29-33, and 35-37 are presented for examination.[1]

The Examiner has not initialed the references in the Information Disclosure Statements mailed on July 13, 2004, and on March 24, 2006 Applicants are resubmitting these references in an Information Disclosure Statement filed concurrently with this Amendment.

The Examiner rejected claims 8 and 10 under 35 U.S.C. § 112, first paragraph, because the claims recite an antibody without any deposit information. As amended, claims 8 and 10 cover anti-PSMA antibodies, and/or antibodies to CD20, CD74 and CD52 antigens, all of which are well-known and sequenced antigens. Therefore, a person having ordinary skill in the art would readily be able to obtain antibodies from a known antigen, as numerous well-established methods are available for obtaining antibodies. As an example, an antigen (e.g., PSMA, CD20, CD74, and/or CD52) can be used to immunize a non-human animal. A monoclonal antibody can be obtained from the non-human animal and then modified using recombinant DNA techniques known in the art. (See, e.g., European patent publication EP171496). Thus, Applicants believe that a deposit information is not necessary for the antibodies covered by claims 8 and 10, as amended. Applicants therefore request that this rejection be reconsidered and withdrawn.

The Examiner rejected claims 2 and 25 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants cancelled claim 2, so the rejection of this claim should be withdrawn. Applicants also amended claim 25 to obviate the rejection of this claim. Support for the amendment can be found, for example, at page 4, lines 10-11 of the specification. Therefore, Applicants request that this rejection be withdrawn.

The Examiner rejected claims 1, 3-6, 13-15, 17-24, 27, and 29-32 under 35 U.S.C. § 102(b) as anticipated by journal article Br. J. Surg., Vol. 70 (1983), pages 596-598 ("Chamberlain") or PCT Application WO 02/34300 ("Gray"). As amended, claims 1, 3-6, 13-15, 17-24, 27, and 29-32 cover particles including a first region including pores having a first

[1] The Examiner indicated on page 1 of the Office Action that claims 15-37 are withdrawn from consideration. This appears to be an oversight.

predominant pore size and a second region surrounding the first region and including pores having a second predominant pore size, the first predominant pore size is larger than the second predominant pore size. Support for the amendment can be found, for example, at page 7, lines 20-23 of the specification. Neither Chamberlain nor Gray disclose such particles. Applicants therefore request that this rejection be reconsidered and withdrawn.

The Examiner rejected claims 1, 3-24, 26-27, 29-37 under 35 U.S.C. 103(a) as being unpatentable over Chamberlain or Gray in view of Wu, A., Engineered antibodies for imaging and therapy of breast cancer, Beckman Research Institute of the City of Hope, 1996 ("Wu"); J. Clin. Oncol. 1994, 12(8): 1561-1571 ("Welt"); AJNR 1993, 14: 571-582 ("Ajay"); U.S. Patent No. 4,970,062 ("Atcher"); and/or AAPS PharmSciTech, 2001, 2(1) Technical Note 2 ("Jo"). Applicants cancelled claims 16 and 34, so the rejection of these claims should be withdrawn. As amended, claims 1, 3-15, 17-24, 26-27, 29-33, and 35-37 cover particles including a first region including pores having a first predominant pore size and a second region surrounding the first region and including pores having a second predominant pore size, the first predominant pore size is larger than the second predominant pore size. As discussed above, neither Chamberlain nor Gray disclose such particles, and neither Wu, Welt, Ajay, Atcher, nor Jo, alone or in combination, cure Chamberlain's or Gray's infirmities, at least because neither Wu, Welt, Ajay, Atcher, nor Jo disclose or suggest particles including a first region including pores having a first predominant pore size and a second region surrounding the first region and including pores having a second predominant pore size, the first predominant pore size is larger than the second predominant pore size. Instead, Wu discloses antibody fragments attached to radioactive isotopes. (See, e.g., Wu, page 2, lines 3-12.) Welt discloses a radioisotope-labeled antibody. (See, e.g., Welt, abstract.) Ajay discloses embolization using small polyvinyl alcohol particles, but is silent with regard to pores in his particles. (See, e.g., Ajay, abstract.) Atcher discloses ferric hydroxide colloids having a radionuclide on the outer surface. (See, e.g., Atcher, abstract.) And Jo discloses polymer microspheres having either high or low porosity. (See, e.g., Jo, page 2, col. 1, lines 17-18.)

None of Chamberlain, Gray, Wu, Welt, Ajay, Atcher, or Jo, alone or in combination, discloses or suggests the particles covered by claims 1, 3-15, 17-24, 26-27, 29-33, and 35-37. There is no suggestion to combine these references to provide such particles, and, even if the references were combined, the result still would not be the particles covered by claims 1, 3-15, 17-24, 26-27, 29-33, and 35-37.

In view of the above remarks, Applicants request that the rejection of claims 1, 3-15, 17-24, 26-27, 29-33, and 35-37 be reconsidered and withdrawn.

At least for the reasons discussed above, Applicants believe that the claims are in condition for allowance, which action is requested.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 11/13/06

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